

September 11, 2016

**VIA ELECTRONIC MAIL**

Chairperson Marnique Y. Heath  
Board of Zoning Adjustments  
441 4th Street NW  
Suite 200S  
Washington, DC 20001  
Submitted to: bzasubmissions@dc.gov

*RE: Letter in Opposition to Application for Special Exception Case 19326, Magnolia Tree LLC*

To the Chairperson and Members of the Board:

We, the undersigned neighbors of 1167 Morse Street, NE, write in opposition to the above captioned application for special exception. As set out in the application, 1167 Morse Street, NE is currently a single family home, consistent with nearly all of the other homes on the 1100 block of Morse Street, NE and throughout our neighborhood (Trinidad). The Magnolia Tree LLC application seeks an exception under Subtitle U, Section 320.2 of the District Zoning Regulations ("Zoning Regulations") to convert this beautiful and well-preserved family home into a three (3) unit apartment house. The application also requests a waiver of the requirement under Section 320.2(a)(6) to preserve the existing parapet on that home. We urge that you deny Application 19326 in order to fulfill the purposes of the Zoning Regulations to protect the character of our lovely, diverse and close knit community of neighbors and preserve the charming ascetic of a block lined with gorgeous and historic 100-year old parapets.

***Request for Exception to Convert RF-1 Zoned Single Family Residential Home to Apartment House (under Subtitle U, Section 320.2)***

Our neighborhood, Trinidad, is currently zoned as RF-1. Under the Zoning Regulations, "the purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted." This application seeks to covert a single family home into a three-unit apartment house. In order to approve an exception to the number of dwelling units permitted under Subtitle U, Section 320.2 of the Zoning Regulations, the Board must find that the application for the special exception has proven that the exception would cause "no undue adverse impact," "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps," and "will not tend to affect adversely, the use of neighboring property." Subtitle X, Section 901.2, 901.3.

Consistent with the purpose of the RF-1 zoning designation, Trinidad has been uniquely preserved within the District as a tightknit community of predominantly single family homes. Even with the vast development throughout the District, Trinidad has remained a diverse and close community of families and older residents, some of whom have joined the community recently and others who have been here for generations. In particular, the 1100 block of Morse Street is a quiet, tree lined residential

block where children play together on the sidewalks as neighbors converse from their porches and families car- and bicycle-pool to local public and charter schools together. We all work hard to preserve that sense of community. The homes are old and lovely, with 100-year old exteriors and detailed parapets of only a few varieties. See **Attachments 1-5**. While many homes have modern, renovated interiors, apart from the 2 condominiums that have been erected in the last couple of years, every home has preserved the distinctive, historical facades of the homes on our street.

On the 1100 block of Morse Street, NE, there are only currently 2 homes that are other than single family homes and one, small separated multi-unit apartment complex. Photos of the 2 homes that have been converted are attached here at **Attachments 4-5**.<sup>1</sup> Of those, only one has been converted to a three unit apartment house. The other includes two (2) multi-level flats, as contemplated by the RF-1 zoning designation of our neighborhood. As you will note from the photos and as is readily apparent to anyone driving down the block, the three unit apartment house appears incredibly out of place and, as neighbors, we are deeply sorry that we did not take action in time to oppose that project. It will remain a reminder to us all that we are responsible for communicating our objections to the Board if we are to preserve the character of our community.

The proliferation of apartment houses in this area jeopardizes the appearance and character of what is otherwise one of the few places left in the city where families can put down roots and create lifelong homes. Communities like ours are important to the diversity of the District and particularly to the District's schools. As you are aware, there are apartment complexes being developed throughout the city – it is difficult to drive a block in the NE without encountering some new construction project with beautiful, modern apartments “coming soon.” Only a few blocks away on H St. NE, it appears that there will be several opening in the next year. While we recognize that the Zoning Regulations provide that homes in this area may be converted to two unit flats, which do not strictly conform to our incredibly homogenous community, permitting apartment houses is a step too far. With each exception granted to permit an apartment house, this neighborhood will have fewer families and fewer long term residents. A family of four or five can live comfortably in one these beautiful old homes for a lifetime, sending their children to the local school and investing and participating in the community. Unfortunately, in the current market developers are outbidding families each time one of these homes is sold, with the hope of converting them to multi-unit apartment houses that are unlikely to attract such residents, both because of the limited size of each unit and the expense.

In addition, we are facing a parking crisis that will only be exacerbated by apartment houses like the complex proposed for 1167 Morse Street, NE, which provides for only one parking space to support three units. Already, neighbors in need of street parking often must walk blocks, with small children in tow, to park, particularly on the two days during which only one side of the street is available due to street sweeping. Adding residences with insufficient parking will create a nightmare parking scenario for many of us. As a community, we have already made inquiries about permitted parking but, as we

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<sup>1</sup> As you will note, there appears to be another home that will be converted in some capacity next door to the apartment house that has already been converted. See **Attachment 5**. Again, this demonstrates how quickly these developments will overtake our community if they are not addressed going forward.

understand, if permits are issued they will be available to apartment house resident just as they would be to current neighbors.

We recognize the need for apartment housing in the city, but, as a matter of policy, urge the Board to also consider the District's broader interest in balancing the proliferation of apartments throughout the District with preserving a diverse mix of residents and maintaining communities like ours that attract long term, committed residents. Otherwise, the alternative for many will be the suburbs. We ask: if not here, under what circumstances would the RF-1 zoning designation, and the intent behind it, be protected? What is the purpose of designating an area for one and two dwelling spaces if, in a community such as ours, an exception like that sought by Magnolia Tree LLC would be granted? If permitted here, the exception under Subtitle U, Section 320.2 will simply swallow the rule.

For these reasons, this application would clearly result in an "adverse impact" upon the neighboring property owners and community as a whole, is manifestly at odds with "the general purpose and intent of the Zoning Regulations" and, thus, cannot satisfy the burden of proof set out under Subtitle X, Section 901.2 and 901.3 which is required to be demonstrated for the Board to grant a special exception of this nature.

### ***Request for Waiver Regarding Existing Dormer Requirements under 320.2(a)(6)***

Subtitle U, Section 320.2(a)(6) requires that, in converting a single family RF-1 zoned home to an apartment house, "a rooftop architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation or size." Section 320.2(b) states that the Board shall not waive the requirement under Section 320.2(a)(6) where such waiver conflicts with Section 320.2(a)(7), which states, in relevant part that the proposed renovation "as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley."

As you can see in **Attachment 3** hereto, 1167 Morse Street, NE currently maintains the same lovely, historic parapet windows as the neighboring properties, the vast majority of other homes on the block and throughout Trinidad. In fact, the only homes that have not maintained the original parapet windows are the 2 that have been converted to condominiums. See **Attachment 4-5**. The single apartment house on our block is the hideous outlier and clearly infringes on the overwhelmingly homogenous character of this lovely street and the neighborhood in general. Again, there could not be a more clear example of the type of consistency and lovely, historic architecture that Subtitle U, Section 320.2(a)(6) was intended to protect than this. The proposed removal of the 100-year-old parapets at 1167 Morse Street, NE would clearly "intrude upon the character, scale and pattern of the houses along the subject street." If a waiver is granted here, when would the requirements of Section 320.2(a)(6) and the prohibition on waivers of that provision under Section 320.2(a)(7) be maintained?

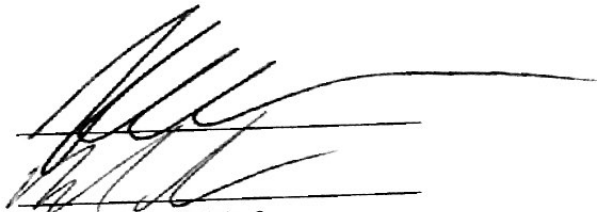
It is precisely the purpose of the Board to protect the character of streets like ours by maintaining beautiful structures like 1167 Morse Street, NE and preventing developers from altering the

# Exhibit 14

Case 19326  
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design and overall character of the homes in a manner that clearly changes the character and appearance of the street and impacts neighbors by degrading the aesthetics of (and property values in) the neighborhood and the community that we have dedicated our lives to maintaining. It is the purpose of your Board and the Zoning Regulations to protect not only individual property rights, but the community's interests by requiring developers to adhere to requirements like Subtitle U, Section 320.2(a)(6). We ask that you fulfill that purpose by protecting our community's interests in denying this application.

In conclusion, we urge that the Board fulfill its purpose and the intent of the Zoning Regulations to protect the character and consistency of our unique and wonderful community and preserve the lovely ascetic of a block lined with beautiful and historic 100-year old parapets by denying Application 19326.



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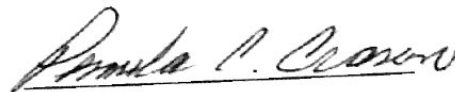
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# Exhibit 14

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